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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY '08 MJ 0652 DEPUTY

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
Raul Tarabay )  
 )  
Defendant, )  
 )

COMPLAINT FOR VIOLATION OF

Title 21, U.S.C., Sections 952 and 960  
Importation of a Controlled Substance

The undersigned complaint being duly sworn states:

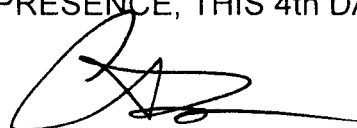
On or about March 4, 2008, within the Southern District of California, Raul Tarabay, did knowingly and intentionally import approximately 138.18 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Mario Hernandez, Special Agent  
U.S. Immigration and  
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF  
MARCH 2008.



MAGISTRATE JUDGE  
**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**

### STATEMENT OF FACTS

On March 4, 2008, at approximately 12:12 AM, Raul TARABAY, a United States citizen and national, attempted entry into the United States from the Republic of Mexico at the San Ysidro Port of Entry. TARABAY was the driver and sole occupant of a burgundy Ford F-150 pickup bearing California license plate 7F01133. Customs and Border Protection Officer (CBPO) Benson was working pre-primary operations when TARABAY entered. CBPO Benson noticed that TARABAY's hand was trembling when handing his driver's license. CBPO Benson received two negative customs declarations from TARABAY and escorted him to the vehicle secondary lot.

Vehicle secondary lot personnel requested assistance from Canine Enforcement Officer (CEO) Sugawa. CEO Sugawa screened the vehicle with his Narcotic Human Detector Dog (NHDD) Sita. NHDD Sita alerted to the presence of a narcotic odor emanating from the dash area of the truck.

Subsequent search of the vehicle revealed 34 packages containing approximately 138.18 kilograms of a green leafy substance were found concealed in a non-factory compartment behind the tool box, dash, spare tire and the gas tank of the vehicle. A presumptive test of one of the packages revealed a positive reaction to the presence of marijuana.

TARABAY was arrested and charged with violation of Title 21 USC 952, 960, Importation of a Controlled Substance, and was transported to Alvarado Hospital Medical Center, San Diego, CA.